

**An Open Letter to the Procurator-general of the Supreme People's Procuratorate
Regarding the Public Security Bureau's
Refusal to File My Beating and Disability Case**

Dear Procurator-general Jia Chunwang,

Greetings! My name is Fu Xiancai. I am a villager from Yanggui Village, Maoping Township, in Zigui County, Hubei Province. I have long petitioned the local government of Zigui over the issue of relocation compensation. As result of my voicing these concerns, I have been targeted and intimidated by the local authorities. I have been left with no choice but to relay my concerns to the Hubei provincial government and the Central Government about the local government's embezzlement of relocation funds. I petitioned many times in accordance with law, but my attempts were forcibly obstructed by Luo Lianfeng, deputy Party secretary of Zigui County, Jia Li, chief of the Zigui County Public Security Bureau (PSB), and a number of local government officials including Wang Jun, Party secretary of Maoping Township, and Yu Zhixun, head of the Maoping Township government.

Since 2005, I and my family have been subjected to threats and retaliation by gang members more than dozen times. I have made several attempts to report the harassment to public security organs, but they have yet taken effective action to protect the safety of my family and myself. On the contrary, since 2005, the Zigui County Public Security Bureau openly put my home under surveillance. Below are the details of threats and retaliation against me and my family:

- On May 14, 2005, two American reporters interviewed me and Chen Ziyun. After the reporters left, Maoping PSB chief Wang Xiankui came to my house several times and threatened me by saying, "You did an interview with foreign reporters without permission. You will be severely punished." After this incident, my family and I received numerous harassing phone calls.
- On May 20, 2005, someone phoned another representative of displaced Three Gorges residents, Tan Bixuan, and told him that I had to prepare 10,000 *yuan* or else my son's life would be at risk. I was very alarmed by the gravity of the situation and called the police at the Yichang City PSB. Some police officers came to my home to learn more about the situation, but up to the present there has been no result or update on the investigation.
- On August 6, 2005, I and several other residents of Jiuli Village, including Yan Kehua, Gong Wanjun, Chen Yichun and Wang Kaifen were on our way to Beijing

to petition when we were stopped by Luo Lianfeng, deputy Party secretary of Zigui County, along with Jigui County PSB chief Jia Li and 20 other officials, including Wang Jun, Party secretary of Maoping Township; Yu Zhixun, head of the Maoping Township government; and Wang Xiankui, chief of the Maoping PSB. They prevented us from going to Beijing and promised that our petition would be answered in 15 days. However, to this day we have received no response.

- On September 20, 2005, we once again attempted to go to Beijing to petition the government, and once again we were forcibly blocked by the Maoping police and other departments lead by the Zigui County PSB, who also ordered Juili Village cadres, including Shi Xianyu and You Qinghong, to beat up the petitioners. Not one of the dozens of police officers from the Zigui County and Maoping Township police forces did anything to stop the beating. A policeman named Yan Daogang threatened me and said, “Be careful, Fu Xiancai. We will come back to finish you off.” They also rudely seized photos I had taken at the scene.
- On October 22, 2005, at 3:00 a.m., an unidentified person drove up to my house and threw rocks through the windows, smashing them to bits. That was just one hour before I was to set off for Beijing to file a petition.
- Around 12:00 noon on October 26, 2005, just after I returned home from Beijing, two unidentified persons broke into my house and beat me with wooden clubs. I immediately reported the beatings to the Maoping Township PSB, but to date they have not responded to me or given me their conclusions about the case. An x-ray taken at the Yichang City No. 2 People’s Hospital showed that my left leg was broken.
- On November 7, 2005, at 9:00 p.m., the deputy chief of the Maoping Township Police Station, Du Erhu, came to my house with a police officer and gave me this warning: “You’d better stay at home these days and stop petitioning; otherwise, you will be risking your life.”
- On November 8, I went out on business and just as I was about to get on a ferry at the Sandouping Pier, I was suddenly attacked by three unidentified thugs with police batons. My head was injured and required three stitches. I reported the case to the Sandouping Police Station, but to date they have not responded to me or given me their conclusions about the case.
- On the night of November 17, 2005, a funeral wreath was placed outside the door of my home. After that, I received repeated intimidating calls made by telephone numbers 07178806279 and 07172888240. I reported this to the Maoping PSB the

next day, but to date they have not responded to me or given me their conclusions about the case.

- On January 15, 2006, at 4:00 a.m., someone parked a car outside my house and threw rocks at my house.
- On January 18, 2006, at 3:00 a.m., someone parked a car outside my house again and threw rocks, smashing two of my windows.
- On January 20, 2006, when I reported this case to the Maoping Township Police Station, deputy chief Du Erhu said to me, “If you continue making complaints, you’ll never feel safe in your own home and people will constantly harass you. And if we lock you up, I don’t think the Americans coming to your rescue.”
- On the evening of January 21, 2006, a pile of paper money for funeral offerings was placed outside the door of my house.

I have reported all of the above-mentioned facts to public security organs and I have also documented them myself. In addition, I have reported these facts to a human rights organization and appealed for help regarding the safety of myself and my family.

Since the 1990s, more than 8,000 villagers who were forcibly relocated from my hometown of Maoping Township in Zigui County have signed petitions explaining to the government the unfair treatment they have received. They have filed multiple petitions to city and provincial governments, as well as to the State Council, and filed multiple applications for administrative litigation with courts at different levels, but all of these actions have been ignored. One of the relocated petitioners’ representatives has been intimidated by the local authorities, and more than 10 petitioners have been summoned and detained. Seven have been arrested, sentenced to imprisonment or sent for “reeducation through labor.” These villagers affected by the Three Gorges Dam construction have paid a disastrous price simply for petitioning the government about the unfair treatment they have received.

On June 8, 2006, I was invited to the Zigui County Public Security Bureau to discuss the matter with Wang Xiankui of the bureau’s Public Order Brigade. During our conversation, Wang gave me this warning: “You must stop contacting foreign journalists and petitioning about the relocation. Otherwise, no good will come to you.” About 10 minutes after I left the PSB station on my way home, as I was passing some bushes, I was suddenly attacked from behind. I turned around quickly and caught a glimpse of a man in his thirties holding a wooden baton behind me on my left. Just then, I was violently struck

on the back of my neck. The second blow hit me so hard that I was only able to walk a few steps before passing out. I was sent to the Zigui County Hospital and then transferred to Yichang City No.1 People's Hospital.

The hospital's diagnosis was: My cervical vertebrae at C1, C2, C4, C5, and C6 were fractured, the bones attaching to the cervical vertebrae at C5 and C6 were fractured, my leg and head and other areas had been injured. My arms are still paralyzed after half a year of bed rest, and I have no feeling at all below the waist, which means that I will be paralyzed for the rest of my life.

After I was attacked, a resident of Maoping Township's Jiesong Residential Committee named Du Hua called the 110 emergency number three times to report the incident. According to the provisions in Article 28 of the *Criminal Procedure Law*, judicial officers, procuratorial officers and investigative officers should not work on cases that fall into any of the following categories, and the party involved and his legal representative also have the right to request these officials to not work on these kinds of cases: (1) If they themselves, or their relatives, are parties involved in the case; (2) If they themselves, or their relatives, could be benefited or harmed by the case; (3) If they have acted previously in the case as witness, verifier of evidence, defender or prosecutor. (4) If they have any other kind of relationship with the parties concerned that could influence the fair handling of that case.

I believe that the legal representative of the Zigui County Public Security Bureau has a relationship with the police officer(s) that monitored, threatened and intimidated me, which corresponds with the fourth situation in which officers should not work on a case: "If they have any other kind of relationship with the parties concerned that could influence the fair handling of that case."

On July 4, while I was in the recovery ward recuperating from my injuries, I wrote a formal letter to the Zigui County Public Security Bureau in Hubei Province requesting that the police officers who monitored, threatened and intimidated me, along with the legal representative of the public security bureau, Bureau Chief Jia Li, who has a relationship with these police officers, should cease carrying out any investigative work on my case. However, up to the present I have received no reply to my reasonable request that the relevant officials avoid working on my case; on the contrary, on July 26, the Zigui County PSB drew an official conclusion to the investigation stating that "Fu Xiancai fell and injured himself."

On September 15, two officers from the Zigui County Procuratorate named Qu Dingyuan and Zhang Bing met with my legally appointed representative, Fu Bing, and gave an oral reply to my "Application for Officers to Remove Themselves from Cases" submitted on July 4. When my representative Fu Bing asked for a written reply, both Qu

and Zhang refused his request. According to the provisions in Articles 26 and 27 of the *People's Procuratorate's Detailed Rules and Regulations on Criminal Litigation*: After a people's procuratorate has made the decision to turn down a request for officers to remove themselves from a case, it must inform the parties concerned and their legal representatives and, if the latter do not agree to the decision, they have the right to file an application for a one-time reconsideration of the decision to the body that made the original decision, within five days of receiving the refusal of their application. If the parties concerned and their legal representatives file an application for a reconsideration of the decision to turn down the request to remove officers from the case, the body that made the decision must issue a written reply to the applicant informing him/her of the decision to reconsider within three days.

According to the provisions in Articles 30 and 31 of the *Regulation on Procedures for Public Security Organs to Handle Criminal Cases*, issued by the Ministry of Public Security, after a public security organ rejects a request to remove officers from a case, it must inform the applicants or their legal representatives. If the applicants do not agree with the decision, they can file a request for a reconsideration at the organ that made the original decision within five days after they received the "Notification on the Decision to Turn Down an Application to Remove Officers from a Case." If the parties concerned and their legal representatives do not agree with the decision made after reconsidering the application, the organ that made the decision must notify the applicants in writing within three days.

Based on the provisions in the above-mentioned law and regulations, after having not received any response from the relevant Zigui County judicial organ, on September 25 I filled out and sent another "Application for Officers to Remove Themselves from Cases" and an "Application to Be Notified When a Case is Put on File." I also sent out other documents, including an "Appeal for a Speedy Decision on the Three Written Documents" on October 20. To date, I have not received any response.

On June 15, 2006, after the foreign media expressed concern about my case, Foreign Ministry spokesperson Jiang Yu said in a press conference that "China is currently investigating this case. The injured person will be given the necessary medical treatment." However, as of today, I still do not think that the government has investigated this case in a fair manner. Rather, the Zigui County judicial organ is being manipulated by criminal elements, rendering the rule of law and justice no more than empty words. The fact that I was beaten so brutally that I am now paralyzed for life is treated as if it never happened, and the perpetrator is somewhere laughing to himself.

As a result of the attention given to my case by the German media and Human Rights in China, I am recovering and am now able to sit in a wheelchair. They have paid my medical expenses, but they cannot give me justice.

Since I am a Chinese citizen, I should have the right to appeal to the Chinese government for help. Therefore, you are my last hope, Jia Chunwang, Procurator-general of the People's Procuratorate. I hope that you will be a representative of judicial fairness in China. Indeed, I expect you to be a symbol of judicial fairness in China. Please give this handicapped villager displaced by the Three Gorges Dam project a glimmer of hope for the rule of law.

Yours truly,

Three Gorges Resident Fu Xiancai
December 12, 2006